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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,816

05/16/2006

Karl J. Liskow

10987-016

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08/14/2008

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EXAMINER

FULTON, CHRISTOPHER W

ART UNIT

PAPER NUMBER

2841

MAIL DATE

DELIVERY MODE

08/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,816	Applicant(s) LISKOW, KARL J.	
	Examiner Christopher W. Fulton	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4,8-10,12-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 2,5-7,11 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 15 and 16 are objected to because of the following informalities: They lack proper antecedent basis for “said retarder”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tas.

The device as claimed is disclosed by Tas with a support member 6 defining a support surface with the support surface raised relative to a support block which holds the support member, at least one gage block assembly 7, 9, 10, 11, 12, 13, 14, 15, 16 generally opposed to the support surface and having a movable contact 7 located in spaced relation to the support surface and movable in a direction toward the support surface, the gage block assembly including a measuring device 18 coupled to the contact, a part handling member 2 coupled to an actuator 3 adapted to transversely move the part handling member from a position on the first side of the gaging space to a position where the workpiece is in the gaging space, and to a position where the workpiece is on an opposing side of the gaging space, and a workpiece receiving station 4,5 located adjacent the first side of the gaging space.

4. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Ardell.

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The method as claimed is disclosed by Ardell with the steps of providing a generally cylindrical workpiece defining a longitudinal axis, transversely moving the workpiece from a start position (figs 2 and 4) to a gage position, measuring the workpiece at at least two locations along its length when the workpiece (25,26), transversely moving the workpiece from the gaging space to an exit position.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tas in view of official notice.

The device as claimed is disclosed by Tas as stated in the rejection recited above for claims 1, 4, and 8-10, but lacks specifically disclosing a variable rate movement of the workpiece as claimed. Official notice is taken that it is old and well known to transport a workpiece at variable speeds with the rate of transport being slower in the gaging area to obtain an accurate gage with quicker movement in the non-gaging areas to reduce the overall time the workpiece is in transport. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to move the workpiece of Tas at variable rates as taught by official notice with the rate of movement being slower in the gaging space to obtain an accurate gage and faster in the non-gaging areas to reduce overall time in transport.

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7. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ardell in view of official notice.

The method as claimed is disclosed by Ardell as stated in the rejection recited above for claim 17, but lacks specifically disclosing a variable rate movement of the workpiece as claimed. Official notice is taken that it is old and well known to transport a workpiece at variable speeds with the rate of transport being slower in the gaging area to obtain an accurate gage with quicker movement in the non-gaging areas to reduce the overall time the workpiece is in transport. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to move the workpiece of Ardell at variable rates as taught by official notice with the rate of movement being slower in the gaging space to obtain an accurate gage and faster in the non-gaging areas to reduce overall time in transport.

Allowable Subject Matter

8. Claims 2, 5-7, 11, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher W. Fulton whose telephone number is (571) 272-2242. The examiner can normally be reached on M-W,F 6:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2841

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher W. Fulton/
Primary Examiner, Art Unit 2841
Christopher W. Fulton
Primary Examiner
Art Unit 2841

CWF